

SEP 15 2010
CLERK, U.S. DISTRICT COURT
RICHMOND, VA

Defendants.


Civil No. 3:10CV336-HEH

Federal Rule of Civil Procedure 59(e) permits a court to amend a judgment within twenty-eight days for three reasons: “(1) to accommodate an intervening change in controlling law; (2) to account for new evidence not available at trial; or (3) to correct a

clear error of law or prevent manifest injustice.’” *EEOC v. Lockheed Martin Corp., Aero & Naval Sys.*, 116 F.3d 110, 112 (4th Cir. 1997) (quoting *Hutchinson v. Staton*, 994 F.2d 1076, 1081 (4th Cir. 1993)). In other words, Rule 59(e) is a means by which the district court can correct its own mistakes, thereby “sparing the parties and the appellate courts the burden of unnecessary appellate proceedings.” *Pac. Ins. Co. v. Am. Nat’l Fire Ins. Co.*, 148 F.3d 396, 403 (4th Cir. 1998) (internal quotations omitted).

In light of Plaintiff’s assertions and in the interests of justice, Plaintiff’s motions to alter or amend the judgment of dismissal will be granted. The August 19, 2010 Memorandum Order will be vacated. The Clerk will be directed to mail to Plaintiff a second consent to collection of fees form, along with a copy of the June 8, 2010 Order. Plaintiff shall comply with the June 8, 2010 Order within thirty (30) days of the date of entry hereof.

An appropriate Order shall accompany this Memorandum Opinion.

 /s/

The Honorable Henry E. Hudson
United States District Judge

Date: Sept. 15, 2010
Richmond, Virginia